

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.6805 OF 2006

Dated:13.04.2006

BETWEEN

Sambayyagari Narsimlu

....PETITIONER

AND

The District Collector, Medak District, at Sangareddy and others.

....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.6805 OF 2006

ORDER:

Petitioner is resident of Nagdhar village, Kalher Mandal in Medak District. Aggrieved by the seizure of the bore well under a panchanama, dated 18.03.2006, he filed the present writ petition. It is the case of the petitioner that he is the owner of agricultural land admeasuring Acs.5.04 guants in Survey No.280/AA situated at Nagdhar village, where he raised sugar cane crop. So as to irrigate his land, he dug the bore well about a decade ago. On an application made by some of the villagers, the Deputy Inspector of Survey and Land Records conducted survey and submitted a report to the effect that the bore well is existing in the land situated in Survey No.280 and not in Survey No.294, which is statedly Posettipalli Cheru (tank). Again, it appears at the instance of the local MLA, the Assistant Director of Survey and Land Records inspected the area and submitted a report on 12.12.2005 to the Mandal Revenue Officer to the effect that the bore well is situated adjacent to Survey No.280 and that the same is situated in Survey No.294, which is Government land. Based on the same, the Mandal Revenue Officer got bore well seized.

The writ petition is filed *inter alia* on the ground that no notice was issued to the petitioner either by the Mandal Revenue Officer while ordering seizure of the bore well or by the Assistant Director of Survey and Land Records before conducting inspection. In view of this, the learned Assistant Government Pleader was directed to produce the file. Today, the learned Assistant Government Pleader produced the file. A perusal of the same would show that no notice was issued to the petitioner before seizing the bore well as required under Sections 15 and 38 of the A.P. Water, Land and Trees Act, 2002. For this reason alone, the impugned order cannot be sustained.

The writ petition is therefore allowed and the respondents are directed not to interfere with the operation of the bore well of the petitioner. If the bore well is dug in the Government land situated in Survey No.294, which is sikhama land of Posettipalli Cheru, it shall be open to the

Mandal Revenue Officer to follow the procedure under the above referred Act and pass appropriate orders. No costs.

(V.V.S.RAO,J)

13.04.2006

Note: Issue CC by Monday.

(By order)

VGB